

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

VELMA SUE BATES, CLAUDIA)
BIRDYSHAW, WILLARENE FISHER,)
MARK LONG, JON TOUNGETT,)
CAROLYN WADE, and RICHARD WHITE,)
Plaintiffs,)
v.) Case No. 1:08-cv-0029
DURA AUTOMOTIVE SYSTEMS, INC.,) Judge Trauger
Defendant.)

VERDICT FORM

I. MEDICAL EXAMINATION AND DISABILITY-RELATED INQUIRY CLAIMS

Questions 1 through 36 relate only to the plaintiffs' claims that the drug testing at issue in this case constituted illegal "medical examinations" or "disability-related inquiries."

1. Has defendant Dura Automotive Systems, Inc. ("Dura") proved that the drug testing at issue in this case was job-related and consistent with business necessity?

YES NO

IF YOUR ANSWER TO QUESTION 1 IS "YES," PLEASE SKIP TO QUESTION 37 ON PAGE 7. IF YOUR ANSWER TO QUESTION 1 IS "NO," PLEASE GO TO QUESTION 2.

A. Velma Sue Bates

2. Has plaintiff Velma Sue Bates proved that, as a result of Dura's drug testing at issue in this case, she sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 2 IS "YES," PLEASE GO TO QUESTION 3. IF YOUR ANSWER TO QUESTION 2 IS "NO," PLEASE SKIP TO QUESTION 7.

3. Has plaintiff Velma Sue Bates proved that she should be awarded back pay?

YES NO

If your answer is "YES," in what amount? _____

4. Has plaintiff Velma Sue Bates proved that she should be awarded front pay?

YES NO

If your answer is "YES," in what amount? 0

5. Has plaintiff Velma Sue Bates proved that she should be awarded other compensatory damages?

YES NO

If your answer is "YES," in what amount? \$3200.00

6. Has plaintiff Velma Sue Bates proved that she should be awarded punitive damages?

YES NO

If your answer is "YES," in what amount? \$3200.00

B. Claudia Birdyshaw

7. Has plaintiff Claudia Birdyshaw proved that, as a result of Dura's drug testing at issue in this case, she sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 7 IS "YES," PLEASE GO TO QUESTION 8. IF YOUR ANSWER TO QUESTION 7 IS "NO," PLEASE SKIP TO QUESTION 12.

8. Has plaintiff Claudia Birdyshaw proved that she should be awarded back pay?

YES NO

If your answer is "YES," in what amount? \$86,915.50

9. Has plaintiff Claudia Birdyshaw proved that she should be awarded front pay?

YES NO

If your answer is "YES," in what amount? 0

10. Has plaintiff Claudia Birdyshaw proved that she should be awarded other compensatory damages?

YES NO

If your answer is "YES," in what amount? \$2500.00

11. Has plaintiff Claudia Birdyshaw proved that she should be awarded punitive damages?

YES NO

If your answer is "YES," in what amount? \$89,415.50

C. Willarene Fisher

12. Has plaintiff Willarene Fisher proved that, as a result of Dura's drug testing at issue in this case, she sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 12 IS "YES," PLEASE GO TO QUESTION 13. IF YOUR ANSWER TO QUESTION 12 IS "NO," PLEASE SKIP TO QUESTION 17.

13. Has plaintiff Willarene Fisher proved that she should be awarded back pay on this claim?

YES NO

If your answer is "YES," in what amount? 0

14. Has plaintiff Willarene Fisher proved that she should be awarded front pay on this claim?

YES NO

If your answer is "YES," in what amount? 0

15. Has plaintiff Willarene Fisher proved that she should be awarded other compensatory damages on this claim?

YES NO

If your answer is "YES," in what amount? 0

16. Has plaintiff Willarene Fisher proved that she should be awarded punitive damages on this claim?

YES NO

If your answer is "YES," in what amount? 0

D. Mark Long

17. Has plaintiff Mark Long proved that, as a result of Dura's drug testing at issue in this case, he sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 17 IS "YES," PLEASE GO TO QUESTION 18. IF YOUR ANSWER TO QUESTION 17 IS "NO," PLEASE SKIP TO QUESTION 22.

18. Has plaintiff Mark Long proved that he should be awarded back pay?

YES NO

If your answer is "YES," in what amount? #42,281.30

19. Has plaintiff Mark Long proved that he should be awarded front pay?

YES NO

If your answer is "YES," in what amount? 0

20. Has plaintiff Mark Long proved that he should be awarded other compensatory damages?

YES NO

If your answer is "YES," in what amount? 0

21. Has plaintiff Mark Long proved that he should be awarded punitive damages?

YES NO

If your answer is "YES," in what amount? $\$42,281.30$

E. Jon Toungett

22. Has plaintiff Jon Toungett proved that, as a result of Dura's drug testing at issue in this case, he sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 22 IS "YES," PLEASE GO TO QUESTION 23. IF YOUR ANSWER TO QUESTION 22 IS "NO," PLEASE SKIP TO QUESTION 27.

23. Has plaintiff Jon Toungett proved that he should be awarded back pay?

YES NO

If your answer is "YES," in what amount? $\$105,679.32$

24. Has plaintiff Jon Toungett proved that he should be awarded front pay?

YES NO

If your answer is "YES," in what amount? $\$0$

25. Has plaintiff Jon Toungett proved that he should be awarded other compensatory damages?

YES NO

If your answer is "YES," in what amount? $\$1400.00$

26. Has plaintiff Jon Toungett proved that he should be awarded punitive damages?

YES NO

If your answer is "YES," in what amount? $\$107,079.32$

F. Carolyn Wade

27. Has plaintiff Carolyn Wade proved that, as a result of Dura's drug testing at issue in this case, she sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 27 IS "YES," PLEASE GO TO QUESTION 28. IF YOUR ANSWER TO QUESTION 27 IS "NO," PLEASE SKIP TO QUESTION 32.

28. Has plaintiff Carolyn Wade proved that she should be awarded back pay?

YES NO

If your answer is "YES," in what amount? \$47,244.00

29. Has plaintiff Carolyn Wade proved that she should be awarded front pay?

YES NO *AAT at
instruction from
Jwg foreman*

If your answer is "YES," in what amount? 0

30. Has plaintiff Carolyn Wade proved that she should be awarded other compensatory damages?

YES NO

If your answer is "YES," in what amount? \$150,000.00

31. Has plaintiff Carolyn Wade proved that she should be awarded punitive damages?

YES NO

If your answer is "YES," in what amount? \$197,244.00

G. Richard White

32. Has plaintiff Richard White proved that, as a result of Dura's drug testing at issue in this case, he sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 32 IS "YES," PLEASE GO TO QUESTION 33. IF YOUR ANSWER TO QUESTION 32 IS "NO," PLEASE SKIP TO QUESTION 37.

33. Has plaintiff Richard White proved that he should be awarded back pay?

YES NO

If your answer is "YES," in what amount? \$1.00

34. Has plaintiff Richard White proved that he should be awarded front pay?

YES NO

If your answer is "YES," in what amount? 0

35. Has plaintiff Richard White proved that he should be awarded other compensatory damages?

YES NO

If your answer is "YES," in what amount? 0

36. Has plaintiff Richard White proved that he should be awarded punitive damages?

YES NO

If your answer is "YES," in what amount? 0

II. DISABILITY DISCRIMINATION CLAIM

Questions 37 through 43 relate only to plaintiff Willarene Fisher's disability discrimination claim.

37. Has plaintiff Willarene Fisher proved that she had a record of disability?

YES NO

IF YOUR ANSWER TO QUESTION 37 "YES," PLEASE GO TO QUESTION 38. IF YOUR ANSWER TO QUESTION 37 IS "NO," PLEASE SKIP THE REMAINDER OF THE QUESTIONS, HAVE THE FOREPERSON SIGN AND DATE THE FORM, AND RETURN THE FORM TO THE BAILIFF.

38. Has plaintiff Willarene Fisher proved that Dura terminated her employment solely because of her record of disability?

YES NO

IF YOUR ANSWER TO QUESTION 38 IS "YES," PLEASE GO TO QUESTION 39. IF YOUR ANSWER TO QUESTION 38 IS "NO," PLEASE SKIP THE REMAINDER OF THE QUESTIONS, HAVE THE FOREPERSON SIGN AND DATE THE FORM, AND RETURN THE FORM TO THE BAILIFF.

39. Has plaintiff Willarene Fisher proved that, as a result Dura's termination of her employment solely because of her record of disability, she sustained damages?

YES NO

IF YOUR ANSWER TO QUESTION 39 IS "YES," PLEASE GO TO QUESTION 40. IF YOUR ANSWER TO QUESTION 39 IS "NO," PLEASE SKIP THE REMAINDER OF THE QUESTIONS, HAVE THE FOREPERSON SIGN AND DATE THE FORM, AND RETURN THE FORM TO THE BAILIFF.

40. Has plaintiff Willarene Fisher proved that she should be awarded back pay on this claim?

YES NO

If your answer is "YES," in what amount? If this amount simply duplicates an amount of back pay that you have already awarded Ms. Fisher, put "0." _____

41. Has plaintiff Willarene Fisher proved that she should be awarded front pay on this claim?

YES NO

If your answer is "YES," in what amount? If this amount simply duplicates an amount of front pay that you have already awarded Ms. Fisher, put "0." _____

42. Has plaintiff Willarene Fisher proved that she should be awarded other compensatory damages on this claim?

YES NO

If your answer is "YES," in what amount? If this amount simply duplicates an amount of compensatory damages that you have already awarded Ms. Fisher, put "0." _____

43. Has plaintiff Willarene Fisher proved that she should be awarded punitive damages on this claim?

YES NO

If your answer is "YES," in what amount? If this amount simply duplicates an amount of punitive damages that you have already awarded Ms. Fisher, put "0." _____

THE FOREPERSON SHOULD SIGN AND DATE THE NEXT PAGE AND RETURN THE VERDICT FORM TO THE BAILIFF.

WHEN FINISHED, THE FOREPERSON SHOULD SIGN AND DATE IN THE SPACE
BELOW AND RETURN THE FORM TO THE BAILIFF.



FOREPERSON

7-19-2011
DATE